31-98

G. R. S. IX-5]

*Previous references.*

1897-98

File No. 82-97

192 .

Serial Nos 1-5.

( L R )

*Later references.*

GENERAL AND REVENUE SECRETARIAT

*Serial Nos.* 1-5.

M ~~Part~~ B for October 1898.

Dispute regarding the Shanbhogi Claim Gujjipalli Firka, Bagepalli Taluk

Dantinwalla
Ind. Ind. 1/2

WD 22.5 - GPD - 20 000 - 14-6-20

# Precis.

## A.S. 76 of 1897-98.

Petition No. 2217 of 24-2-'98.

Petitioner: Sirappa,
Sirkar Shanbhogue of
Gujjepalli and other
villages of
Bagepalli Taluk
Kolar District.

## Subject.

Appeal against the Kolar District Deputy Commissioner's order directing that the petitioner should be relieved of the Shanbhogee duties, he being the Sirkar Shanbhogue whose Inams were enfranchised on a quit-rent and that the Sthala Shanbhogue should be the sole officiator.

## Facts of the case.

On 6-7-1895 Ramalingajja, Sthala Shanbhogue of Gujjepalli and Ramasamapalli presented a petition[x] to the Amildar of Bagepalli Taluk stating that during the Survey the said two villages were constituted into

x vide Pheriet No. 1.

into one Shanbhogee charge; that the duties thereof were from a long time being discharged jointly by himself and the Sirkar Shanbhogue Ramappa since deceased; that the accounts of the said charge were with Subbappa, nephew of the deceased Shanbhogue; and that his Inam lands had been fully assessed, while those of the other Shanbhogue were enfranchised on a quit-rent and prayed that the said accounts might be ordered to be handed over to him and that the work of the said charge might be taken solely from him.

2. Ramalingappa deposed before the Amildar of Bagepalli Taluk as follows:—

The Sthala Shanbhogee of the two villages of Gujjepalli and Ramasamapalli has been registered in my name. The Inam attached to the said Shanbhogee was assessed during the Jaya year (1894-'95), and the full assessment for that year has been recovered from me. Subbappa, Sirkar Shanbhogue, is now doing the duties of the office. The records are with him. I am also working with him. The revenue collection work of the said villages was done

solely

vide Deposition D 25-7-'95 Pherist No 1/2

solely by me during the Nanda-na year (1892-'93) and by the said Subbappa singly during the Vijaya and Jaya years (1893-'94 and '94-'95). In the same manner the collection work of the charges of Kasba Pathapalya, Gujjepalli, Pathakote and Nallacheruvu during the previous years was being looked after by turns — by me for one year and by Subbappa for two years. Now that the Sirkar Shanbhogue is dispossessed of his hak and quit-rent is levied on his Inam lands, the Gujjepalli Farka charge which is registered in my name should be given to me. I am prepared to repay, if the Govt. so order it, to the Sirkar Shanbhogue the sum of ~~Rs~~ 24-14-0 being the amount received by me for this Tantu out of the Pukka Photgi sanctioned in the year Jaya (1894-'95). I request that the Shanbhogee work may be taken from me for the Manmatha year (1895-'96) and the Photgi for that year paid to me.

3. Subbappa, Sirkar Shanbhogue, stated before the Amildar as follows:—

I am not willing to give up the said Shanbhogee of Gujjepalli

vide Deposition 8/27-7-'95 Pherist No 1/3.

Gujjepalli and Kamasanapalli) which was being hereditarily looked after by us since the time of my grandfather and great grand-father. We might have been appointed simultaneously with the Sthala Shanbhogues. Recently i.e. only from the year 1840 a distinction was made between the Sthala and the Sirkar Shanbhogues. Long before that, the members of my family were doing the duties of the said charge. We never asked for a levy of quit-rent on our Inam lands. Our Inams may be fully assessed like those of the Sthala Shanbhogue and the Govt. may divide the villages, as they dam proper, between the two Hakdars. As this is a longstanding Hak it could not be given up without a fair decision.

At the time of the Pukka Photgi settlement in the Gudibanda range, the villages were regularly divided between the Sthala and the Sirkar Shanbhogues, notwithstanding the levy of quit-rent on the Sirkar Shanbhogee Inams. A similar procedure should also be adopted in our case. The Kamabandi of Gujjepalli is ~~Rs~~ 753-10-0, while that of Kamasanapalli is ~~Rs~~ 346-12-9.

4. The Amildar in submitting the above depositions together

together with an Extract from the Tetana Register to the Chickballapur Sub-Division officer for orders, reported[x] that the villages which were 6 in number prior to the Survey were made into 2 subsequent to the Survey Jamabandi; that one Narsappa, the Sirkar Shanbhogue of the villages, was dead; that his son Subbappa was officiating and that during the Survey the two villages were formed into one charge.

Note.— The extract from the Tetana Register referred to above, is probably the extract from the Shanbhogue[x] Register for[+] 1864 which furnishes the following information:—

Nandigiriappa, a goldsmith, son of Lingappa, nephew of Anniah, Moolakartha, is registered as Hakdar Sthala Shanbhogue, while Narasappa, a Brahmin, son of Naranappa, grandson of Ramappa, Moolakartha, is registered as Hakdar Sirkar Shanbhogue of the marginally[x] noted villages. Subbarayappa is the joint Hissedar with the former and Naranappa is the Hissedar with the latter. Tenkatakrishnappa is officiating as Sthala Shanbhogue since November 1856 and Ramappa, younger brother

x vide Report No 8 Pherist No $\frac{19}{2}$.

x vide Pherist No $\frac{1}{4}$.

1. Gujjepalli.
2. Rattayagaripalli.
3. Guttameedapalli.
4. Siradandlapalli Ramasanapalli
5. Devarajapalli.
6. Kundanadapalli
7. Peddurudinne.
8. Ramambapura
9. Pathakote.
10. Hiranyadevalli

brother of Narasappa is officiating as Sirkar Shan-bhogue since the year Ananda 1854. At the request of the said Venkatakrishnappa, out of the villages as the Shanbhogue of which he was officiating, 6 villages viz Nos 1, 2, 4, 6, 7 & 10 were registered in the name of Ramalingappa, his adopted father's own son, while 4 villages viz: Nos 3, 5, 8 & 9 were registered in his own name vide Dolar Distt order No 244 of 3-2-1876.

5. On 2-8-1895 Ramalingappa, Sthala Shanbhogue, presented two copies of one and the same petition, one to the sub-Dn officer and the other to the Dy Commr. In addition to what was stated in his petn to the Amildar, referred to already, the petn in this petn urged that the registry was not in the name of the said Subbappa; that in accordance with the Distt order No 254 of 25-12-'94, which, he heard, was issued to the Sidlaghatta Taluk, the Sirkar Shanbhogues had to forfeit their Hak and their claims to the Photgi; that as his Inam lands had been fully assessed, and as he had to officiate as the sole Shanbhogue, it was but right that he should get the full amount of the Photgi

vide Pharist No 4 [illegible]

Photgi for the Manmatha year; and that the said Subbappa was trying to prepare the accounts for the then current year and prayed (1) that Subbappa may be ordered to hand over the accounts to him, (2) that work may be taken solely from him thereafter, and (3) that the full amount of the Photgi may be ordered to be paid to him.

6. The petition addressed to the Deputy Commr: was forwarded to the Sub-Dn officer for disposal.

7. On 10.8.1898 Subbappa, son of Narasappa, Shanbhogue of Pathapalya, submitted a petn to the Bagepalli Taluk protesting against certain statements made by Ramalingappa in his deposition before the Amildar and stating that it was he and his uncle Ramappa and not Ramalingappa that looked after the accounts of Gujjepalli; that it was only by mutual consent that the said Ramalingappa was allowed to do the collection work of the said village in exchange for that of Pathakote and other villages of which he was the Shanbhogue; that they never worked jointly, but were separately looking after their respective

x vide Pherist No 3.

respective villages, that he (Subbappa) had been as usual doing the duties of both the villages — Gujjepalli and Kamasanapalli — and praying that this petn may be filed with the records and that their respective villages may be confirmed to them severally.

8. The Amildar forwarded this petn to the Sub-Dn officer. — vide Pherist No 2.

9. Ramalingappa submitted a reminder petn to the Sub-Dn officer praying for early orders on his previous petitions and cited the instance of Aju-ganahalli of Bagepalli Taluk the sole charge of which was vested in the sthala shanbhogue. — vide Petn of 8.11.'95 Pherist No 5.

10. The Sub-Dn officer, after obtaining from the Dy Commr. the Govt. Pro. &ca bearing on the subject, observed that there was a difference between the statements of the complainant and the counter-petr as to who were doing the duties of the shanbhogue of the two villages in question and directed the Amildar to examine the shanbhogee accounts since the year 1860 and to furnish a tabular statement, duly attested to by the parties, throwing light upon the following points:— — vide order No 341 of 22-1-'96 Pherist No 9/4.

(1) How the two persons had been working.

(2) The particulars of the several accounts for the different years prepared by each of the parties.

(3) By whom are the accounts attested.

11

11. On 2.8.'96 Ramalingappa submitted a reminder petn to the Dey Commr. This was forwarded to the Amildar for being placed with the records of the case.

× vide Pherist No 18/2

12. On 8.4.'96 Ramalingappa in his petn to the Taluk stated that the drafts of the accounts of the Gujjepalli charge for the years 1840 (Tikari) to 1894-'95 (Jaya) were with him and that the accounts furnished to the Taluk were written and attested to by him and prayed that after a perusal of the records connected with the accounts and the collection work attended to jointly, as well as the Kirthi and other accounts that were with him, his Shanbhogee charge might be confirmed to him and that the Photgi amount due to him for the Gujjepalli charge might be credited towards the arrears of revenue due by him during the current year for the Inam lands.

× vide Pherist No 6.

13. On the same day Ramalingappa presented another petn to the Taluk stating that he was half Hissedar to the four Shanbhogee charges of Pathapalya, Nallacheruvu &ca and that Adisubbayya, registered of Nallacheruvu charge died without any male issue or brothers and urging his claim to the

× vide Pherist No 7.

Shanbhogee

Shanbhogee of Nallacheruvu.

14. Thereupon the Amildar issued a notice[x] directing (1) Subbappa (2) Kondappa, son of Venkatakrishnappa, (3) Appa-Sami and (4) Ramalingappa to appear before him for examination on 20.4.'96, which date was subsequently changed to 30.4.'96.

ide Pherist No. 9 & 10.

15. On 21.4.'96 Ramalingappa deposed[x] before the Amildar as follows:—

x vide Pherist No. 11.

"Prior to the year 1844, a half Hisse of the marginally[x] noted villages belonged to us, a fourth to Subbarayappa, Appayya's uncle and the other fourth to Adisubbayya, deceased. In accordance with an order received from the Higher authorities in 1844 we came to a private agreement in persuance of which charges Nos. II and III went to the share of my father and were registered in his name. Since then my father and my elder brother Venkatakrishnappa were doing the duties of the said two charges for 30 years. As a proof of this I have produced the drafts of accounts prepared by them. That is, I have produced a statement, prepared in accordance with the draft accounts I had with me, to show that the accounts of the said villages were prepared by my father Nandigiriappa, my

| x Maji villages comprised by | No. of charge according to Survey | Bereef vide Pherist No. 13. Rs. = |
|---|---|---|
| 1 Gujjipalli, 2 Kamasamipalli | I | 1236 - 0 |
| 1 Pathakote, 2. Devarajapalli | III | 862 - 12 |
| 1 Pathapalya | I | 2804 - 12 |
| 1. Nallacheruvu, 2. Kollavaripalli | IV | 1118 - 0 |
| | Total Rs | 6021 - 8 |

my elder brother Venkatakrishna-
-ppa, my younger brother
Lakshminaranappa and myself.
Some of the accounts have been
duly signed and sealed by the
persons who prepared them,
while others are left without
any attestation. The copies
furnished to the office have
been duly attested. I have
shown the accounts and
taken them back. I have
produced a copy of the
Karar[x] made in 1846 between
Subbarayappa, 1/4th Hissedar
of Pattapalya, Achamma,
mother of Adeppa, 1/4th Hissedar
of Nallacheruvu charge and
my father Nandigiriappa,
1/2 Hissedar. The original Karar
is duly signed and sealed.
In it a reference is made to
a Inchalika executed in 1844.
This is not with me and may
be in office.
The accounts of the 2nd charge
viz Gujjepalli and Kamasanapalli
are with the Sirkar Shanbhogue
Subbappa, who and I were doing
the duties of the said charge.
I request that these may be
handed over to me.
Charge No III viz Pattakote and
Devarajapalli is registered in the
name of my elder brother
Venkatakrishnappa and my
own younger brother Lakshmi-
-naranappa is officiating.
The accounts &ca of charge No II, which
is registered in my name should
be

x vide Unauthenticated
copy Pherist No 8.

be handed over to me.

16. On 6.6.'96 Subbappa stated[x] before the Amildar as follows:—

The villages of Gujjepalli and Kamasanipalli are registered in the name of Ramalingappa. He is the Sthala Shanbhogue. The charge of Pathakote and Devarajapalli and the villages attached thereto together with the said villages of Gujjepalli and Kamasanapalli were all registered in the name of Ramalingappa. Prior to this all these were in the name of his father Nandigiriappa, after whose death the register was made out in the name of the said Ramalingappa. This fact is stated in the Vetana Register.

Recently, that is 15 years back, owing to a family dispute between the said Ramalingappa and his father Nandagiriappa's foster-son, Venkatakrishnappa, they asked for the registry of Gujjepalli and Kamasanapalli in the name of Ramalingappa and of Pathakote and Devarajapalli in the name of Venkatakrishnappa, which was accordingly effected. This statement also is found in the Vetana Register.

Getting the said Venkatakrishnappa recognized as the foster-son of Ramalingappa's father Nandigiriappa, they had his name registered.

For these 4 villages and also for the villages that were —

independent

x vide Pherist No. 12

independent before the Survey but became Majare villages thereafter my father Narasappa is the registered Sirdar Shanbhogue.

Owing to the inconvenience of the joint management by the Sthala Shanbhogue and ourselves of the two charges comprising the four villages, sometime back, that is, 30 or 40 years ago we made a private arrangement that the work of Pathakote and Devarajapalli charges should be done by Ramalingappa and Venkatarishnappa, while that of Gujjepalli and Kamasanapalli should be done by us, and have acted accordingly. Even now the work of the Pathakote charge is being done by Ramalingappa's own brother. I have been doing the work of the Gujjepalli charge. Before me, my uncle Ramappa, and prior to him my father Narasappa were doing this work. This has been the practice from the very beginning. To show that we were officiating I have produced a statement prepared from the draft accounts we had, showing that the accounts of these villages were prepared by us. A reference to the original accounts in the office will show that we did the work of —

of Gujjepalli and Kamasanapalli and their Daknala villages. Formerly, that is, prior to the year 1844, my father Narasappa and our Hissedar Venkatanaranappa were the registered Sirkar Shanbhogues of the villages of Pathapalya of charge No I, Nallacheruvu &ca of charge No IV and those of charges Nos II & III mentioned in the above deposition. In a division made in 1844, in accordance with an order prohibiting joint management, the Sirkar Shanbhogues of charges Nos II and III were registered in my father Narasappa's name while those of charges Nos I and IV were registered in the name of our Hissedar Venkatanaranappa. Notwithstanding this arrangement, my father, my uncle and myself have been doing the work of charges Nos I and IV.

Although we have thus from the very beginning been doing the work of all the villages, on a request made by Appayya to restore the charge of Pathapalya to him, orders have, without any regard to our hak, been issued directing the handing over of the accounts of the said charge to him, as he was the Isthala shanbhogue. The work of the Pathakote charge is being done by Ramalingappa's younger brother

brother. If now we hand over the charge of Gujjepalli to Ramalingappa as desired by him, no charge will be left for us. The charge of Nallacheruva is under inquiry as there is not a proper Varasdar to the Sthala Shanbhoguee. We have to abide by Govt: orders that might issue in future regarding this charge. The work of this charge also is being done by us. The right to the Sirkar Shanbhogee of this charge vests in us.

The work of the Gujjepalli charge desired by Ramalinga-ppa was never done jointly by us and Ramalingappa. To show that the former accounts were written and signed by us, the very fact that these accounts are in our possession is ample proof. In short, as the Gujjepalli and Kamasana-palli charge is in our enjoyment and as we have a longstanding right to it, I am not willing to comply with Ramalingappa's request and hand over charge of the same. The Govt: should confirm the same to me.

17. On 23.7.'96 Ramalingappa submitted another petn.[x] to the Sub-Dn. officer praying for early orders. This was forwarded to the Amildar and an early report called for.

18.

x vide Pherist No. 18/3.

18. On 16-8-'96 the Amildar in submitting the above depositions and the statements of accounts produced by the respective Shanbhogues to the Sub-Dn officer reported as follows:—

As directed the accounts from the year 1860 were taken out of the records and shown to them with a view to know who prepared them. The memos containing their statements duly signed by them and the statements prepared thereon are enclosed herein.

According to the old arrangement the Sthala Shanbhogee of the 10 villages of Gujjepalli and others had been registered in the name of Nandigiriappa, father of Ramalingappa and after him in that of Venkatakrishnappa, his adopted or foster son. In accordance with the depositions in office of this Venkatakrishnappa and the said Nandigiriappa's own son Ramalingappa, of the said 10 villages, six were registered in the name of the petitioner Ramalingappa, while the remaining ones were registered in the name of Venkatakrishnappa. According to the recent Survey, for the six villages that were registered in the name of Ramalingappa Gujjepalli and Kamasanampalli were made as two Asali villages formed into one charge and for the four villages registered in the name of Venkatakrishnappa, Pathakote and Devarajapalli were made ~~into~~ as two Asali villages formed into another charge.

The

× vide Report No 82 Pherist No 19/4.

(1) Gujjepalli (2) Hiranyadevala (3) Katayyagaripalli (4) Siragandlapalli alias Kamasanapalli (5) Kundanampalli & (6) Peddurudinne.

(1) Devarajapalli (2) Guttamuddapalli (3) Pathakote and (4) Ramambapura.

The work of the said Pattakote charge is being done by Lakshminara-
-nappa, younger brother of Rama-
-lingappa. As the work of Gujjepalli charge is being done by the Sirkar Shanbhogue, Ramalingappa desires that the records of the said charge should be handed over to him. Of the two charges, in the Gujjepalli charge the Sirkar Shanbhogue seems to have done more work than the Sthala Shan-
-bhogue and in the Pattakote charge the Sthala Shanbhogue seems to have done more work than the other.
The work of both these charges seems to have been done jointly from a long time by the two Shanbhogues and it is not clear that they divided the charges between them and worked separately.

19. On 22.8.'96 Ramalingappa presented a petn.[x] to the Sub-Dn. officer stating that during the survey the 16 villages of Patta-
-palyada Vanta were formed into four[x] charges, and in the Vatana Register the marginally noted persons[x] were mentioned as Sthala Shanbhogues of the four charges respectively; that of these the 1st having been a minor and the fourth having died, the collection work and the accounts of all these four charges were being done by him and the Sirkar Shanbhogue Ramappa for the past 20 years; that since the Jaya year in which the Govt.

x vide Phenist No. 18.

x 1. Pattapalya.
2. Gujjepalli.
3. Pattakote and Devarajapalli.
4. Nallacheruvu & Kollavaripalli.

x 1. Appayya.
2. Ramalingappa.
3. Venkatakrishnappa.
4. Adisubbich (deceased).

Govt. dispensed with the Sirkar Shanbhogues and levied quit-rent on their service Inams, Subbappa the nephew of the Sirkar Shan-bhogue Ramappa was, with a view to usurp the sthala Shanbhogue hak, forcibly, keeping the accounts &c. of charges Nos I, II and IV and was doing the work thereof receiving half the Photgi amount; that the statement of Subba-ppa before the Amildar to the effect that he and his uncle were doing the work of the charges for 30 years was false; and that in the charges of Meruvapalli and Achaga-napalli of Bagepalli Taluk, the Sthala Shanbhog - was recognized as the sole officiator and praying that he may be confirmed as the sole officiator of the charge already registered in his name

20. On 22/24-9-'96 the Sub-Dn. officer in returning the records passed an order[x] to the following effect:—

It is understood that the two individuals were officiating jointly. The Sirkar Shanbhogue does not seem to have been registered in the name of the Counter-petr. Subbappa. Subse-quently, as the services of the Sirkar Shanbhogue were dispensed with and as their Inams were enfranchised

on

x. vide order No. 126 Pherist No. 19/4.

on a quit-rent, orders could not be issued — complying with the request of the counter petr. The complainant Ramalingappa is the Sthala Shanbhogue and also the Registerdar. His Inams have been fully assessed and the Photgi amount has been settled. Therefore the Shanbhogue work should be taken solely from the said Ramalingappa and the Photgi amount paid to him in full. The Sirkar Shanbhogue Subbappa is prohibited from entering upon the said Shanbhogue duties hereafter.

21. Against this order Subbappa appealed[x] to the Dy. bommr. stating

(1) that he and his ancestors, and not Ramalingappa, were doing the Shanbhogee work of the Gujjepalli charge;

(2) that he thought it — unnecessary to have the 10 villages that had been registered in his father Narasappa's name — transferred to himself as his uncle Ramappa, who died only 2 years back, was doing the work;

(3) that he and the counter-petr never worked jointly;

(4) that he had been looking after the Shanbhogee work

since

x vide Petn. Dy 4 · 1 · '97 Pherist No 19/6.

since 10 or 12 years before his uncle's death;
(5) that the quit-rent together with the Khalsat levied on his Inam lands make up a sum only 20 per cent less than the full assessment;
(6) that therefore his Inam lands may be [illegible] assessed like the Sthala Shanbhogues and work taken from him as well;
and prayed that the Shanbhogue work might be taken from him only as usual.

22. The Deputy Commr: thereupon called for the records from the Sub-Dn officer and these were duly submitted. Notices were issued[x] to Subbappa and Ramalingappa directing them to appear before the Dy Commr: on 11.3.'97 and were duly served.

x vide Pherist Nos 21, 22 & 23.

23. On 5.3.'97 Subbappa submitted a petn[x] to the Dy Commr: stating that owing to a Jatre in his village he could not attend on the date specified and prayed for an adjournment. Thereon the Dy Commr: has made the following note under date 11.3.97:—

x vide Pherist No 25.

"Appellant absent tho: served on 26th. His reasons are not satisfactory and he must be declared ex parte.
Respondent present [illegible].
He worked jointly for 60 years. Appellant has admitted fact Gujjepalli is registered in his name and not Pathapalya &ca.
orders

24. On 1.9.'97 the Dy. Commr. passed the following order:—

"The appellant (Subbappa) the Sirkar Shanbhogue of Gujjepalli and other villages in the Bagepalli Taluk and he was performing the duties of the office of some of the villages and the rest were being performed by the Sthal Shanbhogue.

Under the recent orders of Govt:, the Sthal Shanbhogue claimed the whole of which he is the Hakdar. His claims were recognized by the Sub-Dn. officer, Chikballapur, who ordered the appellant to hand over charge of the office to the Sthal Shanbhogue.

Against this order, the appellant appeals to this court.

This case was heard on the 11th March 1897 during the absence of the appellant. I reserved orders in order to give, if possible, an opportunity for the appellant to present himself before me and state his case. He has not done so.

The recent decision of the Govt: in the Tikhalli* case is conclusive. The Sthal Shanbhogue should according to rule succeed to the office with the Photgi and the appellant has been allowed to enjoy the maniam lands on a quit rent.

Appeal dismissed."

25.

× vide Pherist No. 24.

Note

* The file (P.F. No. 17 of 1897-98) relating to this is put up. The decision referred is Govt. Pro: No. 2196 / P.F. 17-97 of 25th Aug '97. (Serial No. 10 of this file).

25. On 24.2.'98 Subbappa in appealing[x] to Govt: against the above order stated

1). The Dy Commr: in his order states that appellant did not appear before him to state his case although an opportunity was given him to do so. How could he when no notice of the hearing date for the 2nd time was given to him notwithstanding his request that the case be posted to some other date for hearing and that a notice be issued to him accordingly?

2). The Dy Commr's decision has, to strengthen it, a certain Govt. order passed in a similar case recognizing the claims of a Sthala Shanbhogue solely in preference to those of the Sirkar.

3). Petr's hak is an ancestral one. He and the Sthala Shanbhogue have been working separately dividing[x] the villages between themselves for the past 30 years.

4). In the Gudibanda Taluk, the Sthala and Sirkar Shanbhognes have been suffered to do duty by dividing the villages equally between themselves.

5). The Govt: also have recently established some of the Sirkar Shanbhognes in their office.

6).

x vide Petition No 2217
Pleaist No 25/4

1. Gujjepalli } Sirkar
2. Ramsanapalli } Shanbhogue.

1. Puthakoti } Sthala
2. Devarajapalli } Shanbhogue.
and Majare villages }

Sub: In the case [illegible] probably referred to by the Dy Comr the Sthala Shanbhogue has not performed the duties for more than 12 years & was hence declared not entitled

6). Petr. and the Sthala Shanbhog never prepared accounts jointly. They are not of the same sect, the appellant is a Nandavidik Brahmin, while the respondent is a Panchala. It was on account of this difference in caste that the villages were divided originally.

And prayed that as the Sthala Shanbhogue had separate villages for him and as the appellant and he worked separately in their respective villages for 30 or 40 years, petr's hak may be recognized and that he may be allowed to work as hitherto.

26. On 18.3.'98 a report with records of the case was called × for from the Dy Commr., who in submitting the records reported the facts of the case.

C.E.R.
1/7/98.

The parties petr & c-petr claim through Ramappa & Annia who were the original Sirkar & Stal Shanbogs respectively of the 10 villages mentioned in the Regn of 1864. The relationships of the parties to the original hikdars

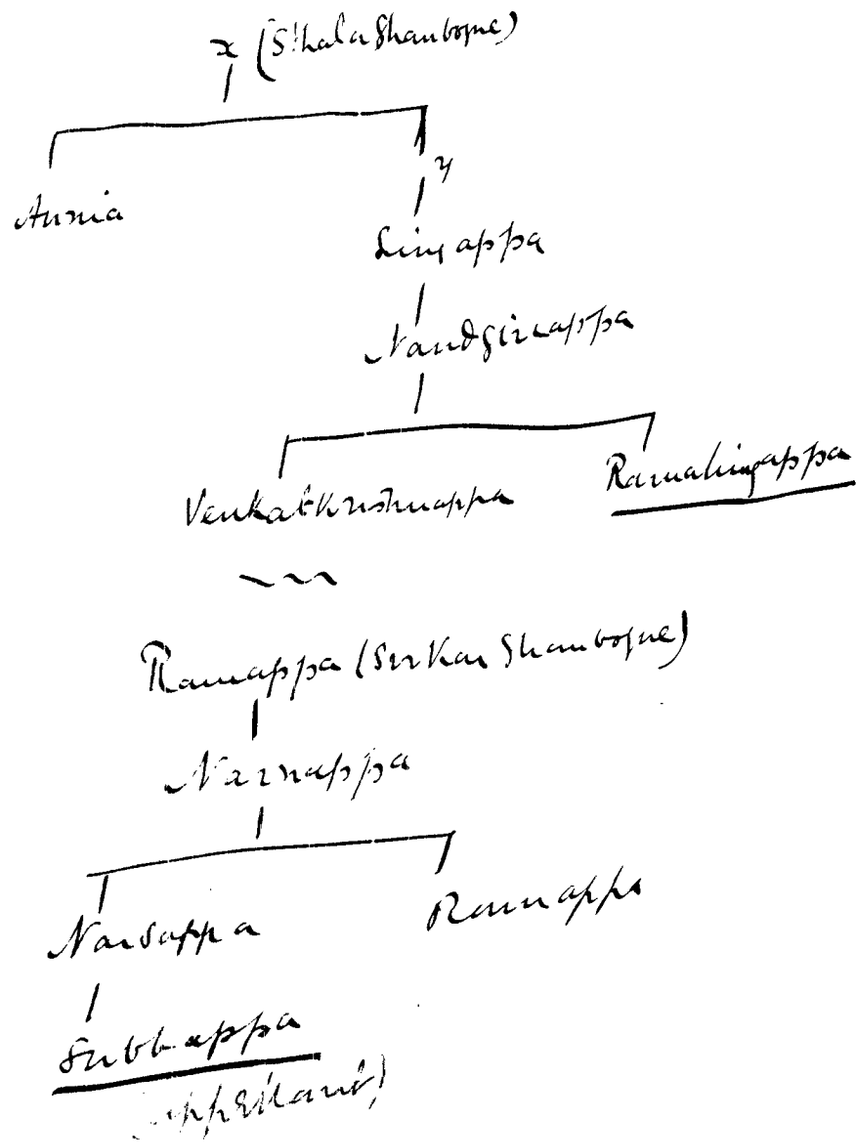
× vide O.M. Pet/1171

※ vide Letter No 3892/1156 Dy 17/21 - 5. '98

Stands thus

x (Sthala Shanbogue)

- Annia
- y
  - Lingappa
    - Nandgirappa
      - Venkatkrishnappa
        - Ramappa (Sirkar Shanbogue)
          - Narnappa
            - Narsappa
              - Subbappa (appellant)
            - Ramappa
      - Ramalingappa



The subject matter of the present claim has been restricted to one circle though the 10 villages of wh the ancestors of the parties were Sthala & Sirkar Shanbogues have been divided into 2 circles at the Potigi settlement. The question in this case is whether the Chief Comm's order of 1878 applies to this case or in other words

The two other circles mentioned in the precis are referred to in the Regt of 1864

whether the services of the appellant are superfluous

It appears that Nandgurappa the Stala Shambogue has left 2 sons (one adopted & one natural) Venkatkrishnappa & Ramalingappa & that the 2 circles have been registered in their names respectively.

Hence the services of the appellant do appear to be ~~ap~~ superfluous

It appears further that the appellant is the Sri Kar Shambogue of a third circle Nallacherumu which has not yet been filled up. Strictly speaking this has no bearing on this case but

It is not clear why before settling this question the Survey Supt decided that the appellant's services could be dispensed with.

It appears that Nallacherum Jorkha has no Sthala Shambogne

[illegible] 7/7/[illegible]

Perhaps because the enfranchised Inam is not attached to Nallacherum Circle

9384-b

[illegible]

LR 82

A.S. 16 of 77-

(1)

159 J

No. 2217

Name of Petitioner. Subbappa

Village Gujjepalli & Shanbhoge

Taluk Bagepalli

District Kolar

Date of Arzi 24-2-98

Date of Receipt 28-2-98

Date of Disposal

No. of Enclosure one

(1) ½ Rs stamp affixed. Stamp [illegible]

(2) The Dep Comm's order compl'd of is dated 1-9-97. In time as pet^r state that he was unable to be present at the hearing & did not know of the order [illegible] time

(3) The decision of Govt in the Tekahalli case reg^d to in the Dep Comm's order is put up.

[illegible] 3/98 Time taken in the prep^n of copy from 9/11/97 to 17/1/98

(1) Appeal against Dy Comm^r's order directing that the pet^r sh^d be relieved of the Shanbogi duty, he being only the Sarkar Shanbogue whose Inam were enfranchised on ½ quit rent & that the Sthala Shanbogue sh^d be the sole operator

(2) Council case

Sub^d to the Councillor

[illegible] 9/3/98

226.30 [illegible] 7/3/98

[illegible] 17 of 77 Separated

Call for report with record [illegible] 14.3.98

[illegible]

O.M.

[illegible] 14/3/98

[illegible] 1-3-98

BSTRACT

Appeal against the [illegible] of the Dy Comm^r, Kolar Dist^t, directing that the [illegible] Shanbhoge shall [illegible] the Shanbhoge [illegible] Gujjepalli [illegible] the appellant, and allowing the latter to enjoy the [illegible] lands on a quit rent.

(A copy of the decision [illegible] produced)

=

Pet^r States: —

A dispute having arisen

about the Shanbhogi of Gujjepalli and other villages between the Appellant, the Sircar Shanbhoge, and Ramalingappa the Sthal Shanbhoge, the case was referred to the Sub Divn. Officer, Chitkabullapur who decided* in favour of the latter ~~Sthal Shanbhoge~~.

No 126, dy 22/24-9-96

2 An appeal against this decision was then preferred in the Court of the Dy Commr, Kolar. A summons was issued to the appellant requiring his attendance on the hearing-date, which he could not obey on accn of some inconvenience. He then requested that the hearing be posted to another date and that a notice be issued to him accgly. But no such notice was given.

3 It is stated in the Dy Commr's order that the appellant did not present himself before the Officer to state his case although an opportunity was given him to do it. How could he when no notice with the hearing-date was given for the 2d time? (vide para 2).

5 The Dy Commr's decision has, to strengthen it, a certain Govt order passed in a similar case, recognising the claims of a Sthal Shanbhoge in preference to those of the Sirkar.

6 Petrs (appellants) hak is an ancestral one. He and the Sthal Shanbhoge Ramalingappa have been working together dividing* the villages between themselves.

7 In Gudibanda taluk, the Sthal and Sircar Shanbhoges have been suffered

1 Gujjepalli } Sircar
2 Ramasanipalli } Shanbhoge
3 Patakhole } Sthal
4 Devarojupalli } Shanbhoge

suffered to do duty by dividing the villages between themselves.

8. The Govt. also have recently established some of the Sircar Shanbhogs in their Offices

9 As the Sittal Shanbhog has separate villages for him and as the appellant and he worked jointly for 30 or 40 years, the appt. prays that he may be allowed to work as hitherto.

10 The Sittal Shanbhog has admitted that the two never prepared accounts jointly, & never belongs to the same class. The appellant is a Nandavarik-Brahmin while the respt. is a Panchala. It was on account of this difference in caste that the villages were divided originally

Prays that his claim may be established

R. 4/3/98

[illegible]

Subbappa
24-2-98
Hemanth

Subbappa
24-2-98
Hemanth

Subbappa
24-2-98
Hemanth

Subbappa
24-2-98
Hemanth

Subbappa
24-2-98
Hemanth

Stamps to the value of Rupees two affixed by post Reg. Stamp
28/2/98

A.S. 76 of 2.97/98

MYSORE DEWAN'S O...
PETITION DEPARTM...
REGN. No. 22171
DATE 28-2-98

[illegible]

[illegible]

[illegible]

[illegible] 22/24 - 9 - 96 [illegible] 126 [illegible]

2 [illegible] 17 - 2 - 97 [illegible]

[illegible]

3 [illegible]

4 [illegible]

5 [illegible]

6 [illegible]

[illegible]

1 [illegible]
2 [illegible]

[illegible]

1 [illegible]
2 [illegible]
[illegible]

[illegible]

[illegible]

7 [illegible]

8 [illegible]

9 [illegible]

10 [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] 24-2-98 [illegible]

[illegible]

Pet. 1171 12 (2)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT

---

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 2217 dated 24-2-98 received at the Dewan's Office from Abhappa Sirkar Shanbhog of Gujjehalli and other villages in the Bagepalli Taluk, appealing against the order of the Dy Comr directing that the Sthala Shanbhog should be the sole officiator and that p should be retrieved of the Shanbh duties is forwarded, together with its one enclosure, to the Deputy Commissioner of the Kolar District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with i should be returned.

By order,

BANGALORE, Secre

25-5-98 } Refs put up
26-5-98 (3) } AK 20/5/98

Gen. 31.] (3)

189

REVENUE DEPARTMENT
MAY 23 1898
Pet 642
DEWAN'S OFFICE

1) Precis (early)
2) Put for hearing
19/6/98

Submitted 19/6/98
returned
20/6/98

Mr C E Ramakrishna for precis
20/6/98
Recd at 5.5 P.M.

Precis put up
1/7/98

Mr Irwin
2/7/98
1) Put up the CC's order of 1878
2) Draft as per instructions
precis
2/7/98

To Genl Rds.
cute reference to the above
Note by the Asstt Secy.

AK
7/7/98

Petr Pro:-
A spare copy of Pro: No 10699/2299 of 7.3.78 bearing on the subject put up.
8/7/98

8/7/98

Subd
8/7/98

From The Deputy Commissioner
Kolar District

To

The Secretary to the Government
Dewan of Mysore.

General and Revenue
Departments.

Dated 21st May 1898.

Despatched 21st do

Received

General No. 3892 } 897.98
No. 1156

Enclosure No. a file of case papers

Submits report on the petition from Subbappa Sirkar Shanbogue of Gajjipalli and other villages of Bajepalli Pahy received with Government official memo No Pet 1171 dated 19th March 98.

Petition
23/5/98

Recd
25/5

Subd
26/5/98

No. 3892/1156 Sub: a file of Holar Deputy Commissioner's office Cau: papers
Dated 7th May 1898.
Desp'd 21st do

To

The Secretary to the Government
of Mysore

General and Revenue Department

Sir

With reference to Government official memo No $\frac{\text{Set}}{1171}$ of 19th March 1898, forwarding for report a petition from Subbappa, Sirkar Shanbogue of Gujjehatti and other villages of Bagepalli Taluq appealing against the orders of the Deputy Commissioner, directing that the sthala shanbogue should be the sole officiator and that the petitioner should be relieved of the shanbogi duties, I have the honor to state as follows:-

2. In 1895 one Ramalingappa petitioned

petitioned the Amildar that he was the Registered stala Shanbogue of the above villages; that out of the above, Gujjehalli and another Kamsannalli were constituted during the survey into one Shanbogi Charge; that the work thereof was being discharged by himself and the Sirkar Shanbogue Ramappa jointly for a long time; and prayed that in consequence of the latter's death, the accounts, Records &c in the possession of the deceased's nephew Subbappa (Petitioner) might be made over to him

3. The petitioner, Subbappa contended that his father was the Registered Sircar shanbogue of the said villages, that by an arrangement made to avoid the inconvenience resulting from the management of these villages by the two classes of shanbogues, the work of Gujjehalli "firka" devolved on the Sirkar Shanbogue

bague and that of Pathkote Firka on the stala Shanbague; that they never worked jointly as alleged by the Counterpetitioner; but that the petitioner did not endeavour to get the Registry in his name, since the deceased Ramappa, the uncle of the petitioner was attending to the work of the above villages. He therefore declined to make over charge to the Counterpetitioner.

4. The Amildar submitted the case for the orders of the Sub Division officer, and reported that Narsappa, the petitioner's father was the Registered Sirkar Shanbague, while Nandgiriappa the father of the Counterpetitioner was stala Shanbague of the marginally noted 10 villages; that after the death of Nandgiriappa the Register was made out in the name of his adopted son Venkat Krishnappa; that subsequently by a private arrangement, the first six villages were registered in the name of the Counterpetitioner —

Ramalingiah

1 Guggepalli
2 Hemnaderabi
3 Kalengarpalli
4 Kamsanpalli
5 Kundanpalli
6 Pedolur Dinni

Grouped into one Firka (Guggepalli) during the survey.

7 Pathkote
8 Devarajpalli
9 Gantavarpalli
10 Ramambapur

Grouped as Pathkote Firka during the survey.

Ramalingiah and the rest in that of Venkat Krishnappa. The Amildar further reported that the duties of these Sikas were discharged by the Sirkar and Stala shanbogues jointly and not separately.

5. The subdivision officer held that the petitioner and the Counter-petitioner did the work jointly, that the petitioner was not the registered Sirkar shanbogue, having lost his hereditary when Inamti lands were enfranchised. He decided that the Counter-petitioner who was the registered Stala shanbogue, paying full assessment on service Inamti, on which potgi was settled, should do the duties of this Sika and enjoy the full amount of potgi.

6. The petitioner appealed against this decision to the Deputy Commissioner. The parties were summoned; but the petitioner failed to appear on the day of hearing and the grounds

grounds urged by him for the absence were not satisfactory. However Mr. Rangaswami Iyengar received the decision in view to give the petitioner, if possible, an opportunity to present himself before him. On petitioner's default, Mr. Rangaswami Iyengar held that the decision appealed against was in conformity with the principle laid down in an analogous case, in Government Proceedings No. 2196 / P.7.17.97 dated 15th August, 197 and dismissed the appeal. He ordered that the stala Shanbogue should according to rules succeed to the office and that the petitioner be allowed to enjoy the Inam lands on quit rent.

7. The vernacular records bearing on the case are enclosed herein.

8. The enclosures of the memo under reply are returned.

I have the honor to be
Sir
your most obedient servant

[signature]

For Sub Division Officer
In charge of Kolar District.

(5)

Proceedings of the Govt. of Mysore

Appellant Subbappa # Respondent Ramalingappa

82-97-6

Read:—

Petition of appeal No. 221/1876 of 1897-98, presented by Subbappa of Fatapalya in the Bagepalli Taluk, against the order of the Deputy Commr. Kolar District directing that Sthala Shanbhog Ramalingappa should be put in sole charge of the Shanbhogi of Gujjapalli Sirka and that the appellant's services as Sirkar Shanbhog should be dispensed with.

(2) Letter No. 3892/1156 of 17th May/98 from the Dy. Commr. Kolar Distt. reporting on the above.

(3) The records of the case ~~which disclose the following facts~~ —

Other reference No. 3032/1781-98 dt. 19.10.98.

According to the Register of 1864, Narsappa, father of the appt. and Nandagiriyappa, father of the respondent were the registered Sirkar and Sthala Shanbhogs of Gujjapalli and 9 other villages; and Ramappa brother of the former and Venkata Krishnappa, adopted son of the latter, were discharging the duties jointly from about the year 1850. In 1876 at

Sub^d to 1st Commr.

1) Draft for approval

2) Against grounds not of the appeal petn. as given in the petition the Commr. has put a query: A case to wh. the petn. probably refers is put up. In that case the Sthala Shanbhog was out of possession for more than 12 years & hence the ordinary rule was applied. Other things being equal, the Sthala Shanbhog has the greater claim

Hy 21/9/98

9896

Sub^d to Rev. Cr. & D^r for approval

Hy 22/9/98

43

I Sheet

Prepared by

13/10/98

Venkatakrishnappa's request four of the villages were registered in his name and the remaining 6 (Gujjehalli &c) in that of the Respt. who was the natural-born son of Nandagiriyappa. At the Survey these 6 villages were by amalgamation constituted into two primary villages, Gujjehalli and Kamasanapalli forming a separate firka, the other 4 villages being similarly treated and forming the Pathakote firka. At the Potizi settlement ~~about the year~~ 1894-95, the Sthala Shaubog's Inam was fully assessed while the Sirkar Shaubhog's Inam was enfranchised under the Chief Commr's Progs No $\frac{10699}{K229}$ of 7-3-78.

2. In 1895 the Respondent presented a petition to the Amildar stating that he and Ramappa had been doing the work jointly, that the latter was dead, and that the accounts were with appellant Subbappa and praying that as the Sirkar Shaubhog's Inam was enfranchised, he should

be put in sole charge of the Gujjehalli firka. The appt contended that according to an agreement entered into between his and the Respdts fathers, the villages in question fell to the share of the Tirkar Shanbhog, that he and his ancestors alone had been solely discharging the duties and that therefore the Respdt had no claim to the office in question. But the Amildar after examining the accounts found that both the parties had discharged the duties of the two firkas jointly.

3. The Subdy Officer directed that as the Tirkar Shanbhog's services had been dispensed with, the Ethala Shanbhog alone should perform the duties. The Dy: Commr confirmed this order. Hence this appeal to Govt.

Order

The ~~Amildar has found~~ Govt see no sufficient grounds to interfere with the ~~as a matter of fact that~~ Dy Comr's order ~~[illegible]~~ ~~prior to the Patiey settlement~~

~~the Tirkar and Ethala~~

~~[illegible] were jointly performing the duties of Gujjahan Sirkar Both the Sub Dy Officer and the Dy Commr has concurred in this finding. For the two Sirkars into which the ten villages of which the appt was the Sirkar Shanbhog Officiators are available out of the Thala Shanbhog's family.~~

The appellants services as Thala Shanbhog were dispensed with at the Vitiya settlement, as officiators were available from the Thala Shanbhog's family were constituted for the performance of the duties of the 10 villages which were grouped into two circles.

Under these circumstances the enfranchisement of the appts Service Inam under the Chief Commrs Progs No 10699/R 229 Dy 7-3-72 was the only relief ~~[illegible]~~ he was entitled to ~~open to the appellants and~~ this appeal is the fair dismissed

Redraft
C, & R C S D

Secretary

[illegible]

To
The Dy Commr Kolar Distt
with records

(4)

[illegible]

[illegible] 2217 [illegible]

[illegible]

[illegible]

LR 82-97-S

[illegible]

24.2.98 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 7.3.78 [illegible]

[illegible]

P.T.O.

[illegible]

[illegible] 18.10.98 [illegible]

By Order

For Secy

[illegible]

[illegible]

18/10

[illegible]

[illegible]

[illegible] etc.

By Order

18/10/98

For Secy.